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No. 82-71

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1982

HERBERT A. COCHRANE, Pro Se. Petitioner.

v.

KARL N. MARX, Business Mgr., Greystone Park, N.J.

RICHARD E. WINANS, Former Personnel Manager at Greystone Park, N.J.

MORRIS C. POYE, III, Former Hospital Administrator at Greystone Park, N.J.

WILLIAM F. HYLAND, Former New Jersey State Attorney General, Trenton, New Jersey.

JOHN J. DEGNAN, Former New Jersey State Attorney General, Trenton, New Jersey.

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

Herbert A. Cochrane, Pro Se. Petitioner.
P.O. Box #71 - G
Greystone Park
N.J. 07950 - 9071

QUESTIONS PRESENTED FOR REVIEW

1. Whether such an indictment type of Civil Action Complaint, with the obviously implied, but unexpressed following codes can properly be so haphazardly and recklessly dismissed; without even any oral arguments being presented.

   28 U.S.C.A. Paragraph 1291.
   " " " 1331.
   " " " 1332 (a) (1) and (c).
   " " " 1441 (b).
   " " " 1443 (1) and (2).
   " " " 1446 (c).

2. Whether Ex Parte Quirin, 317 U.S. 1 (1942) can be applied in the instant case, which proceeding indicates the importance of PROPRIA PERSONA, and so-called international common law.

3. Whether portions of the preponderance of evidence can be entered on the Docket Sheet, with the Complaint; so that the Courts below can

see that they were presented for the Courts inspection.

4. Whether the United States Marshall's office can present only a token effort to serve Complaints, which effort can deceive no one; yet, have the Courts below endorse such activity as proper performance of their duties and responsibilities.

NOTE

See pages 10 to 16 for particulars.

No. _____

In The

SUPREME COURT OF THE UNITED STATES

_____

October Term, 1982

_____

HERBERT A. COCHRANE, Pro Se. Petitioner.

v.

KARL N. MARX, Business Manager for Greystone Park Psychiatric Hospital, at Greystone Park, New Jersey 07950

RICHARD E. WINANS, Former Personnel Manager for Greystone Park Psychiatric Hospital, at Greystone Park, New Jersey 07950.

MORRIS C. FOYE, III; Former Hospital Administrator, or Chief Executive Officer for

Greystone Park Psychiatric
Hospital, at Greystone Park,
New Jersey 07950.

WILLIAM F. HYLAND, Former New Jersey State Attorney
General, at The State House Annex,
Trenton, New Jersey 08625.

JOHN J. DEGNAN, Former New Jersey State Attorney
General, at The State House Annex,
Trenton, New Jersey 08625.

Respondents.

District Court Designated Counsel For Respondents:

Mr. Irwin I. Kimmelman
New Jersey State Attorney General
State House Annex
T R E N T O N
N.J. 08625. (609) - 292 - 4919.

J. Michael Blake, Deputy Attorney General, is representing the New Jersey Attorney General, Trenton, N.J.

PETITION FOR A WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

Petitioner, hereby petitions the Supreme Court of the United States so that a writ of certiorari issue to review the judgment in a civil action complaint, last filed with the Third Circuit Court of Appeals, Philadelphia, Pennsylvania.

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OPINIONS BELOW

To the best knowledge of this Petitioner, there is absolutely no reporting of this case; either in the New Jersey State texts, or any of the Federal texts. On Appendix pages 1a and 2a, the opinions below are indexed.

The reason for this silence is transparently clear, when one reads the Complaint itself, on page 3a, etc. The Report and Recommendation is also evident as a transparent pretext to dismiss any judicial proceeding against such highest level governmental frauds. No oral arguments were ever permitted.

One of the self-impeaching complaints against Petitioner charges that he is guilty of threatening the life of a Mr. Knowels. This mental and physical wreck, since deceased, was also a Greystone Park employee, as is this Petitioner.

UNITED STATES SUPREME COURT JURISDICTION

1. Jurisdiction for the above-entitled Court is invoked under 28 U.S.C.A. paragraph 1254 (1).

2. Also, Ex Parte Quirin, 317 U.S.1 (1942) appears to come within the above-entitled Court's interest, under 28 U.S.C.A. paragraph 1254 (3).

3. Also, 28 U.S.C.A. paragraph 1257 (3) appears to come within the interest of the above-entitled Court's jurisdiction in 28 U.S.C.A. paragraph 1443; whereby, New Jersey State Courts are being charged with criminal abuse of Summary Process. See pages 3a, 14a, and 37a.

STATEMENT OF THE CASE

The gravamen of the case consists of numerous and self-impeaching personal complaints, signed by other New Jersey State employees, living in the Greystone Park employee dormitories. Their personal complaints are mainly centered about their chasing after Petitioner; namely, in and out of the wash rooms there. The last personal complaint charges that this Petitioner; " - - - threatened Knowles' life in the men's room of the Hill Residence on April 9, 1977". This is from page 8 of Defendants-Appellees Brief for the Third C.C.A. Complainant Knowles expired soon after from the effects of D.T's and the like. His so-called witness was suffering from other diseases when he signed his statement; although, one would also assume that he might have been suffering from the D.T.'s also.

The complainants there are affronted, infuriated, and outraged that this Petitioner is so forward as to leave the Greystone Park wash-rooms,

and every other place where they chase after him. Petitioner is so inclined as to prefer the company of girls or women, and not one of those.

What copies of the written instruments that were obtainable disclose the full spectrum of their vented spleen; subsequent to chasing after Petitioner in said wash-rooms and elsewhere.

The Greystone Park managers eagerly welcomed, nurtured, and encouraged such depraved writings. The precise reason for this is found in Count Three of the Complaint, page 11a; where the preponderance of evidence in fraudulent decision making by managers and directors is set forth in indictment type form.

When Petitioner brought a personal and vicarious liability suit against defendant Marx on June 14, 1976; defendant Ryland, and later defendant Degnan, in their capacity as New Jersey State Attorneys General, supplied free counsel and law assistance to defendant Marx. This collective, or State liability was upheld by the courts below. De-

fendants Winans and Foye, then contributed their decision making reports about Petitioner, and these decision making reports were nothing more than decision making of fraudulent, self-impeaching, and libelous statements; which they filed in their capacities as executives of the New Jersey Department of Human Services. This activity, then led to four additional defendants in the litigation.

The New Jersey State Courts were so prejudiced against a Pro Se prosecution that they even refused to honor their own court rules, 4:23-2 and 4:46-2. A Summary Judgment was granted to defendant Marx, which was no more than criminal abuse of Summary Process, in a discriminatory proceeding.

Particularization of Complaint's expression, page 3a, on "criminal abuse of judicial process in New Jersey State Courts, being violations of both State and Federal law"; was accomplished by submitting to the Newark, N.J. District Court, the form "Allegation of Jurisdiction". This procedure is in full accordance with Conley v. Gibson, 355 U.S.

41 (1957), bottom of page 47.

On March 6, 1980, Petitioner filed a Civil Action against Defendants in Newark, N.J. District Court; under personal and vicarious liability, excluding collective, page 3a. Ex Parte Quirin, 317 U.S.1(1942) was one of the citations presented by Petitioner for a Motion to Strike collective liability, in the form of State Attorney General defense of Defendants.

In the Complaint itself, 28 U.S.C.A. paragraphs 1441 and 1443 obviously applied; however, their expression was hardly mandatory, or justifying dismissal.

The necessary preponderance of evidence was partly filed in four maroon portfolios, titled PRELIMINARY EXHIBITS. Also filed, were voluminous citations and acknowledged authorities, in the law and industrial fields. The PRELIMINARY EXHIBITS were not even entered on the Docket Sheets; therefore, the District Court could not inspect them, since they were suppressed. The Codes that are also plainly ev-

ident, but not expressed are: 28 U.S.C.A. 1331; 1332 (a) (1) and (c); and 1446 (c).

The Court should know that complainant Knowels was evidently an archery enthusiast. On one occassion, after attesting to his archery skill in the Hill Dormitory hallway, he knocked on this Petitioner's door and informed him that he was to be the next target.

Individuals who are in such a condition, are usually humored; so Petitioner just smiled and closed the door.

Complainant Knowles then staggered down the main stair case, in his labored efforts to reach the telephone in the main hall-way.

Not being capable of reading the dial letters, or accurately turning the rotary selector to contact the Institutional Guards, he finally made contact with the Institutional Telephone operator so that she could summon the Institutional Guards for him.

Upon arriving at the Hill Residence, they

obviously couldn't understand his complaint, and when they asked this Petitioner, he directed them to a witness of the archery performance.

Complainant Lassiter was arrested by a Beat Man on the streets of the nearby town of Morris Plains. He was charged with carrying in his belt, an unlicensed and loaded .38 cal. S. & W. snub-nosed revolver. It was summer time, and the Beat Man professionally noticed the bulge at the belt line.

Complainant Luvine most assuredly hid a clasp-knife behind his back when he exclaimed; "I'll tear your head off!"

The Greystone Park institutional publication, The Bulletin, dated 8/1/75, page 2, has an entry about the following. All firearms (or any item which could be construed as a weapon) must be stored with the Institutional Guards, when not in use by the owner.

The Newark, N.J. District Court immediately dismissed the Complaint without any oral argument. See pages 15a and 21a. The Narrative Statement was

simply ignored, as were Petitioner's other moving papers.

Petitioner then filed an Appeal with the Third C.C.A.

To demonstrate more clearly that no industrial just cause or judicial due process was demonstrated in any of the proceedings below; Petitioner presented the initial C.C.A. Brief, Argument Section, outlined in detail according to 5 U.S.C.A. paragraph 706. This presentation then couched the facts of the matter in methods and procedures that were familiar to the court.

The judgment of the Newark District Court was affirmed by the Third C.C.A., and the PRELIMINARY EXHIBITS were declaired as moot. See page 23a.

The Rehearing Petition was denied. See page 25a.

How Federal Questions are Presented

1. Petitioner was confident that paragraph 15 of the Complaint, page 12a, adequately set forth the jurisdiction for District Court, and it is obviously implied throughout the Complaint. All of the non-particularized jurisdiction, as mentioned in the opening paragraph of the Complaint, page 3a, is particularized in the Allegation of Jurisdiction. This is in accordance with Conley v. Gibson, 355, U.S. 41 (1957); bottom of page 47, and top of page 48. A most important citation for the instant case.

Therefore, listing the address " - - - where it has its principal place of business "; 28 U.S.C.A. paragraph 1332 (c).

U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201.

Secretary of Health and Human Services
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Region II. (Regional Office).
New York, New Jersey, Puerto Rico, Virgin Islands
26 Federal Plaza.
N.Y., N.Y. 10007. (212) 264 - 3620.

New Jersey Department of Human Services.
Capital Place One
222 South Warren Street
Trenton
N.J. 08625

The National Institute of Mental Health
5600 Fishers Lane
Rockville
Maryland 20857. (301) 443 - 4513.

The New Jersey Department of Human Services is enacted under New Jersey Statutes Annotated, N.J.S.A. 30:1A - 1, et sequitur.

The Office of Management and Budget (not a Cabinet Post).
The White House
1600 Pennsylvania Avenue
Washington, D.C.

The Secretary of Education (for so-called "in-service" training, etc.).
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Defendant Winans is a resident of Pennsylvania, as Petitioner understands it. Paragraph 1332 (a) (1).

The personal and vicarious liability, excluding collective, as presented in the Complaint; surely has libel amounts exceeding $10,000. Paragraphs 1331 and 1332 (a).

All of the non particularized jurisdiction of the Complaint, page 3a, that is particularized in the Allegation of Jurisdiction is obviously presented to the Courts under 28 U.S.C.A. paragraph 1443 (1) and (2).

Everyone has heard of the libel case of Reynolds vs. Pegler, et al. 54 F. Pr. Dig. - 46. (Modern Federal Practice Digest; 54 - Table of Cases, 1971, Q - Z. On page 146 of the book, "My Life in Court", the auther discusses his selection of Federal Court over the New York State Supreme Court. Quite obviously then, a litigation for libel against members of national syndicates and their affiliates have been presented to Federal Courts;

and in the instant case, all appearances indicate that Federal Jurisdiction is mentioned on almost every page of the Complaint. This Federal jurisdiction should be far in excess of Reynolds vs. Pegler, et al. Generally speaking then, 28 U.S. C.A. Paragraph 1441 (b) can also be applied here.

2. Petitioner brought litigation on a personal and vicarious liability basis only - excluding collective liability. Petitioner did not apply 42 U.S.C.A. 1983, since that would have afforded collective liability benefits of free counsel to the Defendants. Petitioner had, and has no intention of collecting "awards", "penalties", or "deterrants" charged against such future activities from Government Treasuries.

The 1980 Court Rule Book of the United States Supreme Court, on the top of page 18, cites U.S. case law of major importance in Certiorari. Ex Parte Quirin, 317 U.S. 1 (1942) is one such citation.

All the moving papers of this Petitioner in the Courts below stresses U.S. case law in International common law. The courts below ignore all such references to international common law. of U.S. case law.

In Petitioner's Motion to Strike submitted to Newark, N.J. District Court, Ex Parte Quirin, 317 U.S. 1 (1942) is found in Trials of War Criminals; Vol. III (The Justice Case), pages 970 - 971, and Vol. VI (The Flick Case), page 1192.

Together with the consideration of Ex Parte Quirin, we have in juxtaposition, the United States Constitution, Article XIV, Sec. 1 (see page 43a);
N.J.S.A. 59:2-10 and 59:3-14 (see pages 31a & 32a);
28 U.S.C.A. Paragraph 1443 (see page 40a);
28 U.S.C.A. Paragraph 1257 (3) (see page 37a)

Also see, Conflicts Section on pages 19, etc.

3. Petitioner left four (4) large maroon portfolios with the Clerk's Office in Newark, N.J. District Court. They were titled as; PRELIMINARY EXHIBITS. These were the old records for the preponderance of evidence that were prepared in the early 1970's. They were to present to the court, the self-impeaching complaints and the resultant decision making reports officially prepared and filed by the defendants. None of the newer preponderance of evidence was left with the Clerk's Office, but retained for trial. These PRELIMINARY EXHIBITS were not even listed on the Docket Sheet for the courts below to inspect. Again, this principle is very well demonstrated in Conley v. Gibson 355, U.S. 41 (1957); bottom of page 45. The only method of presenting them to the Third C.C.A. was to place them on Motion to Supplement the Record, which was done by Petitioner. Motion was denied as moot.

4. Petitioner left five (5) copies of the Complaint with the Newark, N.J., District Court Clerk. Defendants Hyland, Foye, and Winans copies were without addresses. The Marshall's Office didn't even present a convincing memorandum that any real effort was exerted to deliver them. The Local Court Rule 9 - A for Newark, N.J., District Court states that F.R.C.P. 5(b) applies; " - - - if no address is known, by leaving it with the Clerk of the Court". Petitioner would assume that the Marshall's Office and the Petitioner would have a common interest in delivering the Complaints. One would also assume that it was their duty.

REASONS FOR GRANTING THE WRIT

Argument

The dismissal of the Complaint by the Newark, N.J. District Court and the Third C.C.A. was arbitrary, capricious, and totally unjustifiable in every sense.

POINT 1. The obviously implied, but unexpressed Codes in the Complaint favor the Petitioner, as a matter of law. Page i indicates them as:

28 U.S.C.A. Paragraphs 1332 (a) (1) and (c); 1441 (b); 1443 (1) and (2); and 1446 (c).

POINT 2. U.S. case law of PROPRIA PERSONA from Ex Parte Quirin, 317 U.S. 1 (1942), applies to Petitioner's case, if he understands the matter correctly.

POINT 3. The Complaint itself is an indictment type of Complaint, and sets forth all necessary information as held in the citation; Conley v. Gibson 355 U.S. 41 (1957).

POINT 4. No industrial just cause can possibly be upheld by the Defendants.

All of the moving papers of this Petitioner utilize the expression, decision making, and this decision making was further presented, to a limited extent, with Petitioner's PRELIMINARY EXHIBITS.

This presentation was all in accordance with the required preponderance of evidence.

All of the defendants are demonstrated as industrial fakers in every sense.

Conflicts

Paragraph 2, in New Federal Questions are Presented, back on pages 13 and 14, refer to U.S. case law citations on international common law. These citations apply to personal and vicarious liability, excluding collective liability. The courts below simply ignore this Ex Parte Quirin, etc. We quote the Judgments as removed from the texts in Petitioner's Motion to Strike for Newark, N.J. District Court.

The Justice Case, Vol. III, Case No. 3, bottom of page 969:

> We are empowered to determine the guilt or innocence of persons accused of acts described as "war crimes" and "crimes against humanity" under rules of international law. At this point, in connection with cherished doctrines of national sovereignty, it is important to distinguish between the rules of common international law which are of universal and superior authority on the one hand, and the provisions for enforcement of these rules which are by no means universal on the other. As to the superior authority of international law, we quote:
>
> (Top of page 970) "If there exists a body of international law, which states, from a sense of legal obligation do in fact observe in their relations with each other, and which they are un-

able individually to alter or destroy. that law must necessarily be regarded as the law of each political entity deemed to be a state, and as prevailing throughout places under its control. This is true although there be no local affirmative action indicating the adoption by the individual state of international law.

"International law, as the local law of each state, is necessarily superior to any administrative regulation or statute or public act at variance with it. There can be no conflict on an equal plane".

The above quotation marks are taken directly from the text.

The Krupp Case, Vol. IX, Case No. 10. On page 1448, the Tribunal sets forth the Law As To Individual Responsibility. C.J.S., vol. 19, pages 363 and 364 are quoted.

The Flick Case, Vol. VI, Case No. 5. Page 1192.

But I.M.T. was dealing with officials and agencies of the State, and it is urged that individuals holding no public offices and not representing the State, do not, and should not come within the class of persons criminally responsible for a breach of international law. It is asserted that international law is a matter wholly outside the work, interest, and knowledge of private individuals. The distinction is unsound. International law, as such, binds every citizen just as does ordinary municipal law. Acts adjudged criminal when done by an officer of the government are criminal

also when done by a private individual. The guilt differs only in magnitude, not in quality. The offender in either case is charged with personal wrong and punishment falls on the offender in PROPRIA PERSONA. The application of international law to individuals is no novelty. (See Nuernberg Trial and Aggressive War by Sheldon Glueck, ch. V, pp. 60 - 67, incl., and cases there cited). There is no justification for a limitation of responsibility to public officials.

I.M.T.; Mr. Justice Jackson, in his Opening Statement presents what he calls The Law of Individual Responsibility. This also, should apply in the instant case.

The Newark N.J. District Court Rule, L.C.R. 9-A, states that F.R.C.P. No. 5(b) applies - " - - - if no address is known, by leaving it with the clerk of the court". One would automatically assume that such a Rule could be relied upon. However, the Marshall's Office contented themselves with only visiting Greystone and sending a memorandum to this Petitioner stating that the defendants Winans and Foye no longer worked there, so they were not able to locate them for delivery or service.

This activity does not appear to be the intent of F.R.C.P. No. 5(b); since Petitioner works at Greystone and knows who works there. See pages 16a and 19a, this Brief.

In Conley v. Gibson, 355 U.S. 41 (1957), the bottom of page 47 and the top of page 48, sets forth what requirements are necessary in presenting litigation charges. The courts below completely disagree with this holding. Again, see pages 16a, 17a, and 18a.

Voluminous citations were presented by this Petitioner to the courts below; however, they were simply ignored, relative to probative value, judicial notice, matters of law, etc.

Importance

The charges in the Complaint have been so limited for purposes of clarity and simplicity. There is no need to test in this case delicate questions concerning the criminality per se of judicial and official misconduct, since the accusation and the evidence cut much deeper. The Defendants and the Tribunals below are charged with using their offices and exercising their powers with the knowledge and intent that their official acts would result in intimidations, provocations, assaults, and further depraved and libelous reports against this Petitioner.

We point out, that these Defendants and Jurists are lawyers for the most part who are charged fundamentally with perverting or converting a system of justice into an instrument for committing crimes under State, Federal, and International Common Law. In Petitioner's Motion to Strike, relevant documents of U.S. Case Law, etc. are listed; but

pointedly ignored by the two jurists of Newark, N.J. District Court. It should be first noted that a lawyer has special knowledge of the perverting effect upon the dispensation of Justice not only of his own acts, but of the acts of others of which he has knowledge - knowledge as an ultimate fact. Second, that a lawyer entrusted by his very calling with a sacred duty must of necessity offer strong proof indeed in mitigation of the prostitution of that duty.

We can introduce proof on this issue from which knowledge, as an ultimate fact will arise.

Evidence of acts, including other crimes not only of the Defendants but of others, is permissable and most often offered to show knowledge, intent or design. They are also relevant upon the issue of motive. Because of the nature of the crimes charged in the Complaint, each of the foregoing, knowledge, intent, or design and motive, is an essential ultimate element or ingredient of those crimes. Therefore, the rules which authorize the introduction of such proof are of concern to this Court.

Petitioner offered to the Courts below, voluminous documents of Wigmore, case law, international common law, etc.

The State-owned and operated industries of only New Jersey were presented for the preponderance of evidence in fraudulent decision making. However, the courts below viewed the Complaint (not the preponderance of evidence) as; " - - - the inhabitants of the State of New Jersey have been exploited and the national economy has been endangered". See page 18a. A reading of this indictment type Complaint itself, indicates the importance of this litigation.

A part of the Petitioner's preponderance of evidence, which are four maroon portfolios, titled PRELIMINARY EXHIBITS, were left with the Complaint copies in the Clerk's Office at Newark, N.J. District Court. These were never even entered on the Docket Sheets for the Court's inspection. The Third C.C.A. ruled that there content was only a moot question.

The citation Ex Parte Quirin, 317 U.S. 1 (1942), was presented to the courts below; however,

this citation, as well as international common law citations, were simply ignored. See page 20a.

The responsibility of the U.S. Marshall's Office in presenting an honest effort to locate and serve the defendants, while working together with the Plaintiff in this task, would appear to be the intent of F.R.C.P. 5(b); as claimed by the L.C.R. of Newark District Court. See bottom of page 16a.

Although no oral argument was granted by the courts below, Federal Court jurisdiction, as a matter of law, has been most amply set forth.

In view of the fact that not only are depraved and libelous reports from officials of a national organization about Petitioner, confidently filed as official records, presented to the Court; but also, the looting of public trust funds are presented to the Court, all as a matter of law, and on a personal and vicarious basis only.

Error

It was error for the courts below to dismiss the case for lack of jurisdiction. The national structures and affiliates were well known by the courts below; however, the excuse to dismiss was presented by the address of National Headquarters, affiliates, etc., not being formally entered with the charges.

It was error to assume that there was no diversity of state citizenship.

It was error by the courts below to deny Petitioner's Motion to Strike collective or State liability; page 22a, No. 2.

It was error for the courts below to dismiss the case because of the libel charges against the defendants, and that the amount would not exceed $10,000.

It was error to dismiss the case because of its removal from State courts.

CONCLUSION

Although only an outline of the facts of the matter have been presented to the Court, Petitioner believes that the gravamen of the case has been sufficiently set forth, so that a writ of certiorari shall issue.

Respectfully submitted,

July 5, 1982

Herbert A. Cochrane,
Pro Se. Petitioner.
P.O. Box #71 - G
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N.J. 07950 - 9071

APPENDIX

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(STAMP) ORIGINAL FILED
MAR 6, 1980

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK, NEW JERSEY

- - - - - - - - - - - - - -

HERBERT A. COCHRANE,
Pro Se. Plaintiff.

vs.

KARL N. MARX, et al.
Defendants.

(DOCKET NO. 80-629

CIVIL ACTION

COMPLAINT.

Jurisdiction is founded in the criminal abuses of judicial processes in New Jersey State Courts, being violations of both State and Federal law.

The undersigned Plaintiff, Herbert A.

Cochrane, charges that the defendants herein participated in a common design or conspiracy to commit and did commit libels, attacks, and unlawfull activities upon the Plaintiff, as defined in N.J. S.A. 2A:43-1 (privileged communications), 2A:170-26 (assaults), and 2A:170-27 (fighting).

The New Jersey Attorney Generals are specifically charged also with unlawfull activities as defined in N.J.S.A. 52:17B-4(b), (d), (g); 52:17B-99; 52:17B-101; 52:17B-102; 52:17B-107; and 52:17B -115.

All defendants named herein are charged with personal and vicarious liability, as defined in N.J.S.A. 59:2-10, 59:3-14, and international common law; precluding collective or State liability.

Defendants crimes included, but were not limited to plunder and spoliation of Federal and State funds, which were and still are allocated to the maintenance and construction of State-owned and operated industries of New Jersey.

Millions upon millions of dollars for staffing, maintenance, and new construction, were plundered in the report writings above the defendants signatures.

All defendants here are charged with unlawfull activities as defined in N.J.S.A. 2A: 98-1 (conspiracy, etc.).

The persons accused as guilty of these crimes and accordingly named as defendants in this case are -

KARL N. MARX. Business Manager of Greystone Park Psychiatric Hospital. Greystone Park, N.J. 07950.

RICHARD E. WINANS. Former Personnel Manager at Greystone Park, N.J.

MORRIS C. FOYE, III. Former Chief Executive Officer, or Hospital Administrator at Greystone Park, N.J.

WILLIAM F. HYLAND. Former New Jersey Attorney General, Trenton, N.J.

JOHN J. DEGNAN. Current New Jersey General, Trenton, N.J.

COUNT ONE - COMMON DESIGN OR CONSPIRACY

1. Between April 6, 1973 and the present date, the defendants herein, acting pursuant to a common design, unlawfully, willfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit unlawful activities against this Plaintiff and others, as defined in the opening paragraphs above.

2. Throughout the period covered by this Complaint, all of the defendants herein, acting in concert with each other and with others, unlawfully, willfully, and knowingly were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving unlawful activities against this Plaintiff and others.

3. All of the defendants herein, acting in concert with others, unlawfully, willfully, and knowingly, participated as leaders, organizers, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commissions of unlawful activities, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

4. The said common design, conspiracy, plans, and enterprises embraced the commission of willful libels, assaults, and plunder of Federal and State funds allocated for State-owned and operated industries, as set forth in Counts Two and Three of this Complaint; in that the defendants unlawfully, willfully, and knowingly encouraged, aided, abetted, and participated in the commissions of unlawful activities against this Plaintiff and others.

5. The said common design, conspiracy, plans, and

enterprises embraced the use of so-called grievance procedures, incident report writings, complaints, etc., as a powerful subterfuge and artifice for the willful filing of libels and vilifications, as set forth in Count Two of this Complaint. This resulted in the Plaintiff being subjected to criminal abuses in managerial and record keeping processes; including criminal abuse of discretion, unwarranted imposition of false reports about this Plaintiff, and endorsing further attacks, libels, and victimizations against this Plaintiff.

COUNT TWO - WILLFUL LIBEL AND MALICE

6. That on April 6, 1973, defendant Marx prepared and mailed to this Plaintiff, a libelous letter, above his signature, and in his official capacity as Business Manager of Greystone Park Psychiatric Hospital; which letter can be considered as another fraudulent report by an industrial faker in every sense. Defendant Marx's activity resulted in the

Plaintiff being formally and officially indicated as one who could be very easily libeled, attacked, victimized, etc., by everyone and anyone at this State-owned and operated industry at Greystone Park. Defendant Marx is charged with special responsibility for, and participation in this unlawful activity.

7. That on June 22, 1976, defendant Marx herein prepared and mailed to the Plaintiff, another libelous communication, of the type set forth above in paragraph 6, and is incorporated herein by reference.

8. Defendant Marx herein, unlawfully, willfully, and knowingly ordered the filing of such libelous and depraved report writings about this Plaintiff in the Plaintiff's file folder in the Personnel Department; resulting in the Plaintiff being officially victimized, libeled, and degraded.

9. Defendant Marx had additional copies circulated throughout the State-owned and operated industry, which copies were to be considered as reliable, trustworthy, and honest report writings. This resulted

in further, wide-spread libeling, victimizing, and degrading of Plaintiff; together with, official and formal endorsement by the State-owned and operated industry, to attack, victimize, libel, etc. this Plaintiff at every pretense offered.

10. That on June 6, 1977, defendant Winans herein prepared and mailed to the Plaintiff, a criminally libelous communication, above his signature, and in his official capacity as Personnel Director at Greystone Park. This communication charged commissions of felony assaults by this Plaintiff, and said commissions of felonies required the Plaintiff being excluded from the dormitories, by these criminal libels. The particulars of having additional copies circulated about are set forth above as in paragraphs 8 and 9, and are incorporated herein by reference.

11. All the defendants named herein engaged in willful libel, which is particularized above in paragraphs 6 through 10 of this Count Two, and is incorporated herein by reference. Defendants Marx,

Winans, Ryland, Degnan, and Foye are charged with special responsibility for, and participation in these unlawful activities.

COUNT THREE - PLUNDER AND SPOLIATION

12. All of the defendants herein, with divers other persons, throughout the period covered by this Complaint, engaged in unlawful activities as defined in N.J.S.A. 2A:98-1; 52:17B-101; 52:17B-102; 52:17B-107; and U.S.C.A. 18 paragraph 1510; as well as 41 paragraph 321, in that they plundered Federal and State funds allocated for State-owned and operated industries, resulting in privation and suffering to millions of the inhabitants.

13. The defendants committed crimes of fraud, as set forth in paragraph 12, in that they were principles in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including favored officials which

were connected with the commission of frauds in State-owned and operated industries.

14. In consequence of a deliberate design and policy, the inhabitants were exploited in a ruthless way far beyond requirements, and in disregard of the need of the local and national economy. The pretended demands made on the economies of the State and Federal budgets were out of all proportion to their resources, and inflicted severe suffering upon the inhabitants.

15. The defendants exercised pervasive influence and authority in the State Attorney Generals, U.S. Attorney Generals, and legislatures; and exercised important functions in respect to the spoliation of State-owned and operated industries, through and by means of their membership, representation, control and influence in the Department of Human Services, National Health Organizations, etc.

16. Throughout New Jersey, Defendants were heavily engaged in spoliation and plundering activities. The U.S. and N.J. Attorney Generals offices, and

other agencies, participated in spoliation deals and negotiations and attempted to give them the color of lawfulness. New construction projects, maintenance projects, industrial staffing, and other projects and human labor were the targets of the defendants economic plans and activities to encourage, assist, and take advantage of the inhabitants un-informed and mis-informed status, when reading defendants report writings for Federal and State funds. To a trained observer, these report writings were and are, monumental frauds, advanced by industrial fakers in every sense.

With these particularized charges set forth on the decision making activities of the Defendants named herein; it is respectfully submitted to the Court that punitive and compensatory damages are justified for the Plaintiff, on a personal and vicarious liability basis.

Wherefore, this unlawful activity Complaint is filed with the Clerk of the United States District Court, District of New Jersey, Newark, New Jersey; and the charges herein made against the above-named Defendants are hereby presented to said United States District Court.

March 2, 1980

(signed)

Herbert A. Cochrane, Pro Se.
Plaintiff.

P.O. BOX # 71 - G

Greystone Park

New Jersey

07950 - 9071

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.

Civil No. 80 - 629
Hon. L. Curtis Meanor

HERBERT COCHRANE, :

Plaintiff, REPORT

v. : AND

KARL H. MARX, et al., RECOMMENDATION

Defendants. :

.....

(STAMP) ORIGINAL FILED

MAY 16, 1980

This pro se plaintiff alleges in his complaint that, jurisdiction is founded in the "criminal abuses of judicial processes in New Jersey State courts being violations of both State and Federal law". The complaint charges that the defendants participated in a common design or conspiracy to commit and did commit libel, assault

and diverse other unlawful activities upon the plaintiff. Plaintiff claims that the libel alleged in his complaint is defined in N.J.S.A. 2A:43-1, that assault is defined in N.J.S.A. 2A:170-26 and fighting is defined in N.J.S.A. 2A:170-27. The plaintiff also contends in highly conclusory and general terms that two New Jersey Attorneys General were guilty of misfeasance in office in that they failed to carry out the duties imposed upon them by N.J.S.A. 52:17B-4 et seq.

Named as defendants are William F. Hyland and John J. Degnan, respectively the former and current New Jersey Attorney General, Karl H. Marx, the business manager of Greystone Park Psychiatric Hospital, Richard E. Winans, a former personnel manager at the Greystone Park hospital and Morris C. Foye, III, a former chief executive officer at Greystone Park. An answer on behalf of all the named defendants has been filed, although no service was actually made upon defendants Winans, Foye and Hyland.

Count One of the complaint alleges a conspiracy to commit wilful libels, assaults, and plunder of Federal and State funds. Although Count One contains five separate paragraphs the alleged fraudulent behavior is not pleaded with particularity.

Count Two of the complaint alleges that on April 6, 1973 defendant Marx prepared and mailed to the plaintiff a certain libelous letter. The contents of the letter are not revealed in the complaint. Count Two also alleges that on June 22, 1976 defendant Marx prepared and mailed to plaintiff another libelous communication. The plaintiff further claims that defendant Marx caused these libelous letters to be filed in plaintiff's personnel folder thus communicating the libel. Defendant Winans is also alleged to have libeled the plaintiff on June 6, 1977 by charging plaintiff with an assault.

The Third Count of the complaint charges that all the defendants committed the crimes of fraud and were members of organizations and groups

involved in the commission of frauds on State owned and operated industries. The complaint alleges that as a result of this fraudulent activity of the plaintiffs (* see foot-note) the inhabitants of the State of New Jersey have been exploited and the national economy has been endangered.

Rule 8(a) (1) Fed. R. Civ. P. requires that a complaint contain "a short and plain statement of the grounds upon which the court's jurisdiction depends". The complaint in this case has failed to comply with this rule and does not show on its face that there is subject matter jurisdiction in this court. On the contrary, the face of the complaint reveals that there is no subject matter jurisdiction in this court. By its terms the complaint is one for libel and is also in the nature of a criminal complaint against certain State officials for a variety of unknown crimes. It is clear

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(* foot-note) plaintiffs, should read as defendants. Error in typing at Newark District Court.

that the complaint is not based on any federal question jurisdiction. There is no diversity of citizenship. All parties are quite obviously citizens of the State of New Jersey. Although plaintiff's citizenship is not specifically stated, his residence is given as P.O. Box #71-C, Greystone Park, New Jersey, and it can be inferred that he is a citizen of this state.

The federal court being one of limited jurisdiction, a complaint must demonstrate that a basis for jurisdiction exists. 5, Wright & Miller, Fed. Prac. & Proc.: Civil Section 1206. "Whenever it appears by suggestion . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the action". Fed. R. Civ. P. 12(h) (3). "It is Hornbook law that the jurisdiction of a district court of the United States must appear affirmatively on the face of the pleading . . . ". Patton v. Baltimore and O. R. Co. 197 F.2d., 732, 743 (3rd. Cir. 1952). The burden is upon plaintiff to establish the basis of federal jurisdiction.

Tunzmore v. Bethlehem Steel Corporation, 457 F. 2d. 1320 (3rd. Cir. 1972).

It should be noted that the plaintiff expressly disavows an intention to sue the named defendants for acts committed in the course of their official duties. Plaintiff has moved for an order to disqualify the Attorney General of the State of New Jersey from appearing as counsel for the defendants in this action on the ground that this suit has been brought only on a personal basis and thus the Attorney General's office is not obliged to make a defense for these defendants. The plaintiff has clearly indicated that he has no intention of claiming that defendants acted under color of state law. Thus the complaint cannot be read to allege a claim under 42 U.S.C.A. paragraph 1983.

It is respectfully recommended that this matter be dismissed with costs to be awarded to the defendants.

(signed)
Serena Ferretti
United States Magistrate

Dated: May 16, 1980.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.
CIVIL ACTION NO. 80 - 629

HERBERT COCHRANE :
Plaintiff. :

v. : ORDER

KARL N. MARX, et al. :
Defendants. :

:

(STAMP) ORIGINAL FILED
JUN. 9, 1980

The court having read the Report and Recommendation of the Honorable Serena Perretti, United States Magistrate, filed May, 16, 1980 and the court having considered the objections thereto filed by the plaintiff Herbert Cochrane on May 30, 1980, the allegation of jurisdiction filed by plaintiff on May 30, 1980 and the application of plaintiff for an extension of time to file further objections,

IT IS on this 5th. day of June 1980 O R D E R E D

1. Plaintiff's application for an extension of time to file further objections to Judge Perretti's Report and Recommendations is hereby denied.

2. Plaintiff's appeal from the denial by Judge Perretti of plaintiff's motion to strike is denied.

3. The Report and Recommendation of the Honorable Serena Perretti, United States Magistrate, is hereby adopted as the opinion of the court.

4. Plaintiff's complaint is hereby dismissed with prejudice and with costs.

(signed)

H. CURTIS MEANOR

U.S.D.J.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 80 - 2113

HERBERT A. COCHRANE,
Appellant

v.

KARL N. MARX, RICHARD E. WINANS, MORRIS C. FOYE, III, WILLIAM F. RYLAND, and JOHN J. DEGNAN.

On Appeal from the United States District Court for the District of New Jersey.
C.A. No. 80 - 00629

Submitted Under Third Circuit Rule 12 (6)
February 5, 1982

Before: ADAMS, VAN DUSEN and WEIS, Circuit Judges.

JUDGMENT ORDER

After considering all of the contentions raised by appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed. The motion to supplement the record is denied as moot.

Each side to bear its own costs.

BY THE COURT

(signature illegible, possibly Adams)
Circuit Judge

ATTEST:

(signature)
Sally Mrvos, Clerk

DATED: Feb. 16, 1982

Certified as a true copy and issued in lieu of a formal mandate on March 23, 1982.

Test:
Chief Deputy Clerk, United States Court of Appeals for the Third Circuit.
(signature illegible)

(RED STAMP) C O P Y

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT.

No. 80 - 2113

HERBERT A. COCHRANE,
Appellant

v.

KARL N. MARX, etc., et al.

(C.A. No. 80 - 00629)

SUR PETITION FOR REHEARING
EN BANC.

Present: SEITZ, Chief Judge, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER, BECKER, and VAN DUSEN, Circuit Judges.

The petition for rehearing filed by Appellant in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no

judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,

(signature illegible, possibly Adams)
Circuit Judge

Dated: March 15, 1982

NEW JERSEY STATUTES ANNOTATED
(From page 4a)

2A:43-1. Privileged communications (Libel and Slander).

The privileged character attaching to the publication of judicial or other proceedings shall extend to the publication in any newspaper of official statements issued by police department heads, county prosecutors and coroners in investigations in progress or completed by them, and which are accepted in good faith by the publisher of any newspaper, and the privileged character thereof shall be a good defense to any action for libel, unless malice in fact be shown by the plaintiff therein. (Emphasis supplied).

2A:170-26. Assault; assault and battery.

Any person who commits an assault or an assault and battery is a disorderly person.

2A:170-27. Fighting.

Any 2 or more persons who fight together, or

commit or attempt to commit assaults and batteries upon each other, either in public or in a private place, or are present, aiding, assisting or abetting the same, are jointly disorderly persons.

52:17B-4. Powers and duties of Attorney General.

The Attorney General, in addition to the functions, powers and duties specifically conferred and imposed upon him, shall:

b. Have general responsibility for the department's operation under this act;

d. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

g. Be the request officer of the department within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four;

52:17B-99. Division of criminal justice.

There is hereby established in the State Department of Law and Public Safety the Division of Crim-

inal Justice. The division shall be under the immediate supervision of a director who shall be appointed by and serve at the pleasure of the Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The Attorney General shall fix the compensation of the director within the limits of available appropriations.

52:17B-101. Functions, powers and duties of attorney general; enforcement of criminal business.

All the functions, powers and duties of the Attorney General relating or pertaining to the enforcement and prosecution of the criminal business of the State and of any county of the State shall be exercised by the Attorney General through the Division of Criminal Justice established hereunder.

52:17B-102. Remaining powers and duties of attorney General.

The powers and duties of the Attorney General with respect to the enforcement of the crim-

inal laws of the State shall be the powers and duties now or hereafter conferred upon or required of the Attorney General, either by the Constitution or by the common or statutory law of the State, and as specifically but not exclusive ly detailed in this act.

52:17B-107. Appearance of attorney general for state in investigations, criminal actions or proceedings.

a. Whenever in the opinion of the Attorney General the interests of the State will be furthered by so doing, the Attorney General may (1) supersede a county prosecuter in any investigation, criminal action or proceeding, (2) participate in any investigation, criminal action or proceeding, or (3) initiate any investigation, criminal action or proceeding. In such instances, the Attorney General may appear for the State in any court or tribunal for the purpose of conducting such investigations, criminal actions or proceedings as shall be necessary to promote and safeguard the public interests of the State and secure

the enforcement of the laws of the State.

b. The Attorney General may in his discretion act for any county prosecutor in representing the interests of the State in any and all appeals and applications for post-conviction remedies.

52:17B-115. Employee rights.

Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

59:2-10. Public employee conduct - limitation on entity liability.

A public entity is not liable for the acts or omissions of a public employee constituting a crime, actual fraud, actual malice, or willful misconduct.

Comment - 1972.

This provision recognizes the existing law and public policy that a public entity should not be vicariously liable for such conduct of its employees. In addition it adopts the concept noted in O'Connor

v. Harms, et al., 111 N.J. Super. 22, 26 - 27, 266 A. 2d 605 (App. Div. 1970) that:

> "a public corporation such as a city or other public body, by reason of its being an artificial legal entity created by law to perform limited governmental functions, cannot entertain malice, as a public corporation".

59:3-14. Public employee immunity - exception.

a. Nothing in this act shall exonerate a public employee from liability if it is established that his conduct was outside the scope of his employment or constituted a crime, actual fraud, actual malice or willful misconduct.

b. Nothing in this act shall exonerate a public employee from the full measure of recovery applicable to a person in the private sector if it is established that his conduct was outside the scope of his employment or constituted a crime, actual fraud, actual malice or willful misconduct.

(From page 5a)

2A:98-1. Conspiracy.

Any 2 or more persons who conspire:

a. To commit a crime; or

b. Falsely and maliciously to indict another for a crime, or to procure another to be charged or arrested; or

c. Falsely to institute and maintain any suit; or

d. To cheat and defraud a person of any property by any means which are in themselves criminal; or

e. To cheat and defraud a person of any property by any means which, if executed, would amount to a cheat; or

f. To obtain money by false pretenses; or

g. To conceal or spread any contagious disease; or

h. To commit any act for the perversion or obstruction of justice or the due administration of the laws -

UNITED STATES CODE ANNOTATED

5 U.S.C.A. Paragraph 706. Scope of review. (Page 9)

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall -

(1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be -

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

18 U.S.C.A. Paragraph 1510. (see footnote)(Page 11a)

(a) Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator; or

Whoever injures any person in his person or property on account of the giving by such person or by any other person of any such information to

(Foot-note) Obstruction of criminal investigations.

any criminal investigator.

Shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) As used in this section, the term "criminal investigator" means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations of or prosecutions for violations of the criminal laws of the United States.

28 U.S.C.A. Paragraph 1254 (1) and (3).(*)(Page 2)

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy,

(*) Courts of appeals; certiorari, appeal; certified questions

28 U.S.C.A. Paragraph 1257 (3). State courts; appeal; certiorari. (Pages 2, 3a, 14a,37a)

By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

28 U.S.C.A. Paragraph 1291. Final Decisions of district courts. (Page 1)

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, etc.

28 U.S.C.A. Paragraph 1331. Federal question; amount in controversy; costs. (Pages 1, 7, 12)

(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

28 U.S.C.A. Paragraph 1332; (a) (1) and (c). Diversity of citizenship; amount in controversy; costs. (Pages 1, 7, 10, 12, and 17).

(a) The district courts shall have original jurisdiction where the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and is between -

(1) citizens of different States;

(c) For the purposes of this section and sect-

ion 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business: Provided further, That in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business.

28 U.S.C.A. Paragraph 1441, (b). Actions removable generally. (Pages 1, 6, 13, 17).

(b) Any civil action of which the district courts have original jurisdiction on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none

of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

28 U.S.C.A. Paragraph 1443. Civil rights cases.

(Pages i, 2, 6, 12, 17).

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

28 U.S.C.A. Paragraph 1446 (c). Procedure for Removal.

(Pages i, 7, 17).

(c) The petition for removal of a criminal prosecution may be filed at any time before trial.

41 U.S.C.A. Paragraph 321. Limitation on pleading contract-provisions relating to finality; standards of review. (Page 11a)

CHAPTER 5. - JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS.

No provision of any contract entered into by the United States relating to the finality or conclusiveness of any decision of the head of any department or agency or his duly authorized representative or board in a dispute involving a question arising under such contract, shall be pleaded in any suit now filed or to be filed as limiting judicial review of any such decision to cases where fraud by such official or his said representative or board is alleged: Provided, however, That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly

erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

42 U.S.C.A. Paragraph 1983. Civil Action for deprivation of rights. (Pages 13, 20a)

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

UNITED STATES CONSTITUTION, ARTICLE IV, SECTION 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws (emphasis supplied).

CURRENT

RULES GOVERNING THE COURTS

of the

STATE OF NEW JERSEY

Amendments to April 1, 1978.

4:23-2. Failure to Comply with Order. (From page 5)

(b) (1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purpose of the action in accordance with the claim of the party obtaining the order.

(b) (2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(b) (3) An order striking out pleadings or parts thereof, or staying further proceedings untill the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judg-

ment by default against the disobedient party.

4:46-2. Motion and Proceedings Thereon. (From page 5)

The motion for summary judgment shall be served with briefs and with or without supporting affidavits. The judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file; together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law. The court shall find the facts and state its conclusions in accordance with R 1:7-4.

4:18-2. Copies of Documents Referred to in Pleading

When any document or paper is referred to in a pleading but is neither annexed thereto nor recited verbatim therein, a copy thereof shall be served on the adverse party within 5 days after service of his written demand therefor.

TRIALS OF WAR CRIMINALS BEFORE NUERNBERG MILITARY TRIBUNALS

Case No.	United States of America against	Popular Name	Volume No.
1	Karl Brandt, et al.	Medical Case	I and II
2	Erhard Milch	Milch Case	II
3	Josef Altstoetter, et al.	Justice Case	III
4	Oswald Pohl, et al.	Pohl Case	V
5	Friedrich Flick, et al.	Flick Case	VI
6	Carl Krauch, et al.	I. G. Farben Case	VII and VIII
7	Wilhelm List, et al.	Hostage Case	XI
8	Ulrich Greifelt, et al.	RuSHA Case	IV and V
9	Otto Ohlendorf, et al.	Einsatzgruppen Case	IV
10	Alfried Krupp, et al.	Krupp Case	IX
11	Ernst von Weizsaecker, et al.	Ministries Case	XII, XIII, and XIV
12	Wilhelm von Leeb, et al.	High Command Case	X and XI
	Procedure		XV

ARRANGEMENT BY SUBJECT UNITS FOR PUBLICATION*

Case No.	United States of America against	Popular Name	Volume No.
		Medical	
1	Karl Brandt, et al.	Medical Case	I and II
2	Erhard Milch	Milch Case	II
		Legal	
3	Josef Altstoetter, et al.	Justice Case	III
	Procedure		XV
		Ethnological (Nazi Racial Policy)	
9	Otto Ohlendorf, et al.	Einsatzgruppen Case	IV
8	Ulrich Greifelt, et al.	RuSHA Case	IV and V
4	Oswald Pohl, et al.	Pohl Case	V
		Economic	
5	Friedrich Flick, et al.	Flick Case	VI
6	Carl Krauch, et al.	I. G. Farben Case	VII and VIII
10	Alfried Krupp, et al.	Krupp Case	IX
		Military	
7	Wilhelm List, et al.	Hostage Case	XI
12	Wilhelm von Leeb, et al.	High Command Case	X and XI
		Political and Government	
11	Ernst von Weizsaecker, et al.	Ministries Case	XII, XIII, and XIV

*Although the subject material in many of the cases overlaps, it was believed that this arrangement of the cases would be most helpful to the reader and the most feasible for publication purposes.

New Jersey Department of Human Services
Federal Funding Loss Resulting From
FFY '82 Continuing Resolution Passed By Congress
($ millions)

Program	Anticipated FFY '82 Expenditures Before Cuts	$ Loss Continuing Resolution
Social Services Block Grant	$ 99.4	– $22
Medicaid	505	– 5
AFDC	318	– 30
Low Income Energy Assistance	71	– 3
Food Stamps	365	– 87
Child Welfare Services	5.3	– .2
Foster Care	2.2	0
Child Abuse/Neglect	.23	– .07
Runaway Youth	.3	– .01
Community Mental Health Services	12	– 2
Vocational Rehabilitation (Blind)	4.1	0
Cuban-Haitian Entrants	10	– 4.2
Cuban Phasedown	1.3	– 1.3
Refugee Resettlement	8.6	– .8
Title I Education of the Handicapped	3.1	– .2
Developmental Disabilities	1.35	– .01
Work Incentive Program	13.3	– 4.1
Total	$1416.18	– $159.89

NO. 82-71

Office - Supreme Court, U.S.
FILED
SEP 1982
ALEXANDER L. STEVAS,
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

HERBERT A. COCHRANE,

Petitioner,

vs.

KARL N. MARX, RICHARD E. WINAS, MORRIS C. FOYE, III, WILLIAM F. HYLAND and JOHN J. DEGNAN,

Respondents.

BRIEF IN OPPOSITION TO A PETITION FOR A WRIT OF CERTIORARI ON BEHALF OF RESPONDENTS, KARL N. MARX, RICHARD E. WINANS, MORRIS C. FOYE, III, WILLIAM F. HYLAND AND JOHN J. DEGNAN

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Rule Cited

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Rule 8(a)(1)	2, 6

NO. 82-71

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KARL N. MARX, RICHARD E. WINAS, MORRIS C. FOYE, III, WILLIAM F. HYLAND and JOHN J. DEGNAN,

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BRIEF IN OPPOSITION TO A PETITION FOR A WRIT OF CERTIORARI ON BEHALF OF RESPONDENTS, KARL N. MARX, RICHARD E. WINANS, MORRIS C. FOYE, III, WILLIAM F. HYLAND AND JOHN J. DEGNAN

Respondents, Karl N. Marx, Richard E. Winans, Morris C. Foye, III, William F. Hyland and John J. Degnan, respectfully request that the Court deny the Petition for Writ of Certiorari seeking to review the opinion of the United States Court of Appeals for the Third Circuit.

Statement of the Case

This case concerns a dismissal of a complaint by the United States District Court for the District of New Jer-

sey for failure to comply with Rule 8(a)(1) of the Federal Rules of Civil Procedure in that the complaint did not contain "a short and plain statement of the grounds upon which the court's jurisdiction depends." On March 6, 1980 petitioner, an employee of the Greyston Park Psychiatric Hospital, filed a complaint in which he alleged that the defendants conspired to libel and "commit unlawful activities upon him" (Pa4).* Petitioner also charged the defendants with "plunder and spoilation of federal and state funds" (Pa4). The petitioner is employed as a store clerk by the Greystone Park Psychiatric Hospital, a facility operated by the State of New Jersey and once resided in a housing faciilty provided for employees at the hospital.

On or about March 23, 1973 a quarrel occurred between the petitioner and a co-employee of the hospital, Samuel Luvine, in a washroom of the dormitory called Hill Residence in which both were housed. On that occasion heated words were exchanged between the two men resulting in Mr. Luvine's requesting assistance from Wallis Lutz, a fireman on duty in the dormitory (Aa8).**

Despite the intervention of Mr. Lutz, the altercation continued and petitioner struck Samuel Luvine. Shortly thereafter, a complaint against petitioner was made by Samuel Luvine to Frank Neer, the Fire Chief in charge of the dormitory. Mr. Neer reported the incident to defendant Karl Marx who is the business manager at the hospital and petitioner's supervisor. Marx asked Mr. Neer to investigate the incident and submit all data to Marx. Pursuant to this request, an incident report was submitted by

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* Pa refers to the appendix filed by the petitioner with the Petition for a Writ of Certiorari.

** Aa refers to the appendix filed by petitioner with the Third Circuit Court of Appeals.

Messrs. Cochrane, Luvine, Lutz and Joseph Brockman, an assistant Fire Chief who originally received the complaint from Luvine (Aa9).

On April 6, 1973, after consideration of the written and verbal reports of the participants and witnesses to the quarrel, Marx directed a letter to the petitioner which acknowledged the fact that allegations had been made against him concerning the March 23rd incident and provided him with a warning relative to his conduct. The letter urged him to "conduct himself in a manner consistent with the housing rules and regulations" and advised him that repetition of his conduct "could result in serious consideration being given to your being asked to move off the hospital grounds" (Aa9).

On May 12, 1976, another co-employee of the petitioner, Earl Scott, called the police complaining about loud noises coming from the petitioner's room. The police came to the residence and told the petitioner to turn off his radio and to stop making loud noises (Aa10).

On May 18, 1976, Earl Scott filed an incident report with defendant Karl Marx, which complained about the May 14 disturbance. Another co-employee, Alex Homek, filed a grievance report with defendant Marx, in which he sought relief against actions of the petitioner arising out of the disturbance of May 14, 1976 and other incidents. Defendant Marx heard the grievance on May 28, 1976 at which time Mr. Homek and Mr. Scott appeared as witnesses with respect to the incident of May 14, 1976. Mr. Cochrane also testified at the grievance hearing. As a result of the grievance hearing defendant Marx issued a letter of warning to petitioner dated June 22, 1976. This letter urged the petitioner "to exercise great care in your relationship with your co-residents in the Hill Residence." The letter also advised the petitioner that "fail-

ure on your part to heed this warning could result in your being requested to move off hospital grounds" (Aa10).

On April 27, 1977 a petition signed by several residents of Hill Residence was received by defendant Morris C. Foye III who at that time was the Chief Executive Officer of the Greystone Park Psychiatric Hospital. This petition requested that the Cochrane be removed from the residence (Aa10). On May 12, 1977 Roland W. Knowles filed a complaint which alleged that Cochrane threatened Knowles' life in the men's room of the Hill Resident on April 9, 1977. On May 16, 1977 resident Sal LaBrizzi filed an incident report in which he stated he had witnessed a heated discussion between Mr. Knowles and the petitioner during which the petitioner threatened the life of Knowles. On June 6, 1977 defendant Richard E. Winans, who was the Personnel Director of the hospital, directed a letter to the petitioner which informed him that he was required to move from the hospital grounds (Aa10). The petitioner filed a grievance to the June 6, 1977 letter. On June 17, 1977 Winans held a hearing concerning the grievance filed by the petitioner. Winans concluded that ample basis existed for the complaint and that Cochrane should move from the hospital grounds (Aa10).

The factual incidents described above appear to the basis for petitioner's allegation, contained in his complaint, that the defendants conspired "to commit unlawful activities" against the petitioner (Pa6, Pa7). The letters described above concerning petitioner's behavior appear to the basis of his allegations of libel. The complaint also contained allegations that the defendants "plundered federal and state funds allocated for state

owned and operated industries resulting in privation and suffering to millions of the inhabitants" (Pa11) and were "industrial fakers in every sense" (Pa13)*. The complaint also alleged that "jurisdiction is founded in the criminal abuses of judicial processes in New Jersey State courts, being violations of both state and federal law" (Pa3).

On May 16, 1980 United States Magistrate Serena Perretti recommended that the complaint be dismissed because it failed to comply with Rule 8(a)(1) of the Federal Rules of Civil Procedure by failing to show a basis for subject matter jurisdiction (Pa18).

On June 9, 1980, United States District Court Judge H. Curtis Meanor filed an order adopting Magistrate Perretti's report and recommendation and dismissing appellant's complaint (Pa21).

On July 8, 1980 petitioner appealed to the United States Court of Appeals. On February 16, 1982 the Third Circuit Court of Appeals affirmed the judgment of the District Court (Pa23). On March 15, 1982 the Third Circuit denied a petition for a rehearing (Pa25).

On July 14, 1982 a petition for a writ of certiorari was docketed in the Supreme Court of the United States.

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* Named as defendants were petitioner's immediate superior at the hospital, two other officials of the hospital and two former Attorneys General of the State of New Jersey.

ARGUMENT

The Court should decline to grant certiorari because petitioner has failed to show that there existed subject matter jurisdiction in the Federal District Court.

Petitioner's complaint was dismissed by the federal district court because it failed to demonstrate a basis for federal jurisdiction. It neither alleged diversity of citizenship nor was it based on any federal question. Therefore the complaint was properly dismissed for failure to comply with Rule 8(a)(1) of the Federal Rules of Civil Procedure. Petitioner has not shown that the decision of the Third Circuit Court of Appeals in this case conflicts with any other decision of a circuit court of appeals. The decision of the district court to dismiss the complaint is in accord with Rule 8(a)(1) and the accepted and usual course of judicial proceedings. The petition presents no question of federal law which needs to be settled by the Court.

Petitioner has proferred no reason why the Court should examine a routine decision of the federal district court which required him to comply with the Federal Rules of Civil Procedure. Petitioner has merely continued, in papers filed with the Third Circuit Court of Appeals and the Court, to repeat incomprehensible allegations concerning various officials of the State of New Jersey and employees of the District Court. Petitioner's incomprehensible allegations concerning "criminal abuses of judicial process in New Jersey state courts", "looting of public trust funds", "plunder and spoilation of federal and state funds", "industrial due process" and "international common law" (Pa13, Pa4, Pa13) simply do not amount to a substantial constitutional claim. The allegations contained in the complaint filed with the district court and in additional papers filed by petitioner are insubstantial, implausible and incompre-

hensible. They do not indicate any basis for federal jurisdiction. Mere suggestion or bare allegation that a claim is of constitutional dimensions, without more is not sufficient to confer jurisdiction. *Pam Am Petroleum Corp.* v. *Superior Court of Del.*, 366 U.S. 656, 662, 81 S.Ct. 1303, 6 L.Ed.2d 584, 589 (1961); *Jewell* v. *City of Covington*, 425 F.2d 459, 460 ((5th Cir. 1970) *cert.* den 400 U.S. 929, 91 S.Ct. 195, 27 L.Ed.2d 189.

Petitioner has repeatedly disavowed any intention of proceeding pursuant to 42 U.S.C. 1983; rather as noted by Magistrate Perretti he has indicated that he wishes to bring his complaint against state officials only on a personal basis (Pa20). Petitioner has suggested no other basis for federal jurisdiction and his reference in his petition to the Nurenberg trials is inapposite.

Petitioner's complaint contains no allegations showing diversity of citizenship or jurisdictional amount. His listing of federal agencies and their addresses in his petition does not show diversity for those agencies were not named as defendants in his complaint. He now asserts that defendant Winans is a resident of Pennsylvania as he understands it, however he made no such allegation in this complaint and an allegation of residence is insufficient. *Robertson* v. *Case*, 97 U.S. 646, 648, 24 L.Ed. 1057 (1878). The courts below correctly concluded that the complaint was one for libel and was in the nature of a criminal complaint against various state officials. In *Paul* v. *Davis*, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976) this court held that alleged defamation by state officials does not state a claim for relief under 42 U.S.C. §1983. In the case *sub judice* petitioner disavows any intention of proceeding under 42 U.S.C. §1983 and makes no claim that the state action violated his constitutional rights. Therefore his as-

sertions are nothing more than claims for defamation under state law. His incredible assertions concerning the operation of the government of the State of New Jersey does not transform his complaints concerning libel into a federal action.

Petitioner's complaint arose from difficulties that developed between him and other residents of state housing facilities which are provided to state employees at a psychiatric hospital run by the State of New Jersey. The disputes concerning proper behavior in a residential facility clearly raises no question of federal law which must be reviewed by the Court. The courts below correctly recognized that petitioner had failed to allege a jurisdictional basis for both his complaint of libel and his incomprehensible assertions regarding state government. His petition for certiorari fails to offer any meritorious argument why the district court and court of appeals were in error. Since petitioner has demonstrated no warrant whatever for the granting of certiorari, his petition should be denied.

CONCLUSION

For these reasons it is respectfully submitted that the petition for a writ of certiorari should be denied.

Respectfully submitted,

IRWIN I. KIMMELMAN,
Attorney General of New Jersey,
Attorney for Respondents, Karl N. Marx, Richard E. Winans, Morris C. Foye, III, William F. Hyland and John J. Degnan,
By: J. MICHAEL BLAKE,
Deputy Attorney General.

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Deputy Attorney General.
Of Counsel.

J. MICHAEL BLAKE,
Deputy Attorney General,
On the Brief.

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NO. 82 - 71

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1982

HERBERT A. COCHRANE, Pro Se. Petitioner

v.

KARL N. MARX, Business Mgr., Greystone Park, N.J.

RICHARD E. WINANS, Former Personnel Manager at Greystone Park, N.J.

MORRIS C. FOYE, III, Former Hospital Administrater at Greystone Park, N.J.

WILLIAM F. HYLAND, Former New Jersey State Attorney General, Trenton, New Jersey.

JOHN J. DEGNAN, Former New Jersey State Attorney General, Trenton, New Jersey.

Respondents.

PETITIONER'S REPLY BRIEF

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Herbert A. Cochrane, Pro Se. Petitioner.
P.O. Box #71 - G
Greystone Park
N.J. 07950 - 9071.

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GENERAL INSPECTION OF RESPONDENTS BRIEF

The Brief submitted by the New Jersey Attorneys General is supposedly presented by licensed professional advocates. Just a casual reading of the submitted material clearly indicates, not only a most unprofessional presentation, but nothing is rebutted or denied; as presented in the Petition for Certiorari. This is even obvious to the untrained observer. The only material presented is that which was presented below, in the moving papers of the Defendants - Appellees. This is presented to the United States Supreme Court as the facts of the matter, with great emphasis on appearances of confidential and professional acumen. The Brief is submitted with the New Jersey Court titles; "of Counsel", "on the Brief", and the State titles of Attorney General and Deputy Attorney General. Absolutely nothing in the Petition for Certiorari is contradicted.

The plain and simple fact is glaring and obvious - the Petition cannot be rebutted, contradicted, or denied.

The cases cited by the Respondents are not even closely akin to the factual pattern of the instant case. This should also be obvious, most particularly to the trained or informed reader.

That there be no misunderstanding, in the Appendix of this Reply Brief, the Petitioner has included a copy of the "incomprehensible allegations concerning 'criminal abuses of judicial process in New Jersey state courts." This document is addressed to the New Jersey Appellate Court, is dated July 25, 1977; and is found on Appendix page 2a. Petitioner has several copies of the Summary Judgment proceeding transcript; however their inclusion in the Briefs is not practical. They can be supplied to the Court upon request. Also included is a copy of the Written Instrument ORDER, prepared and submitted by Defendant Hyland, not by this Petitioner; dated January 28th. 1977, and found on Appendix

page 14a, this Reply Brief.

On the whole, the Respondents Brief is presented to confuse the reader, instead of rebutting or impeaching the Petitioner. This mechanism for confusing the reader, or disarm the indictment type missile, can be easily demonstrated to the United States Supreme Court, by their use of, "references to the Appendix filed by Petitioner with the Third C.C.A.". This mechanism is initiated at the bottom of page 2, as the footnote in Respondents Brief. The only pages (Aa ____) referred to by the Respondents, are those pages indicated as (Aa 8 to Aa 13). These pages are the so-called "answer" pages to the COMPLAINT, filed by the Respondents, in N.J. District Court; and incorporated in the C.C.A. Appendix as Defendants - Appellees "answer" to the District Court COMPLAINT. Absolutely none of the moving papers presented by this Petitioner are even referred to by the Respondents in their Brief.

This mechanism for confusing the United States Supreme Court is also demonstratable in the

"insubstantial, implausible, and incomprehensible" expressions, which well lard the Respondents Brief. A glance at the Plaintiff - Appellant's Reply Brief to the Third C.C.A. contains its Appendix from pages A to M. This is all easily readable material to everyone, and not requiring a mechanical engineering degree, knowledge of German to translate theory or process, Project Engineer (Mgr.) status, etc. Quite obviously, this Petitioner understands that Deborah T. Poritz is not an M.E., Project Engineer, etc.; however, she also obviously does not even know whom to call on the telephone, regarding such common place or common knowledge matters. Messrs. Kimmelman, and Blake are attempting to confuse the United States Supreme Court on the common place, or common knowledge matters.

A casual glance at Petitioner's Brief readily informs the reader that every matter presented is under specific U.S. codification, complete with New Jersey state court criminal violations. All issues then presented to the United States Supreme Court are presented as a matter of law, and unimpeachable.

Page 2. Statement of the Case.

The date March 23, 1973 is presented to the United States Supreme Court as a documented event that brings credit to the veracity and decision making abilities of the New Jersey State-owned and operated industries. The emphasis is on their decision making acumen in report writing about this Petitioner; based upon their record-keeping sources, methods, and procedures.

As indicated in the Petition, a professional inspection of these very minor employee statements submitted to Defendant Marx, has been included in the PRELIMINARY EXHIBITS; Petition pages i (3), 6, 15, 18, 25, and 24a. The self impeaching nature of these very minor employee statements against this Petitioner is demonstrated in Maroon Portfolio #1, Black Binder #1 "Decision Making Approval by Mr. Karl Marx on Report Writing about Mr. Cochrane", pages 20 to 36. There are four (4) Maroon Portfolios com-

prising the PRELIMINARY EXHIBITS, which were prepared in 1974, and are exclusive of the newer Exhibits.

To be most precise, and candid with the United States Supreme Court, this Petitioner prepared these old Exhibits to demonstrate that the decision making abilities of the Defendants and the New Jersey Home Office in Trenton, "would not know how to order jelly beans, or construct chicken coops". With the new Exhibits, these are naturally the preponderance of evidence in decision making by the Defendants, and the Home Office in Trenton, New Jersey.

The self impeaching report of Defendant Marx, dated April 6, 1973, is presented on page 37 of this Black Binder #1.

Page 3. The paragraph commencing, "On May 12, 1976, etc.", is a fabrication by the Defendants, and the New Jersey cabal of Attorneys General.

As regards Defendants Mickey Mouse "grievance hearings", this Petitioner will delightfully furnish the United States Supreme Court with all the

documentation to substantiate paragraph 5 of Petitioner's Federal Indictment type COMPLAINT (Petition pages 7a, bottom, and 8a). As for the terms, "testified", "testify", etc.; absolutely no such professional formality ever occurs, so the United States Supreme Court should need not be mislead or confused on this matter also.

The meaningful interpretation of the quotation at the bottom of this page 3, "to exercise great care, etc.", has already been mentioned on the opening page 3, bottom, of the Petition; and is continued on to the top of page 4.

Page 4. The second paragraph is just another and separate group of self impeaching statements from very minor employees. As for convening another one of their "grievance hearings", it was strictly Mickey Mouse again; and supportive of the afore-mentioned paragraph 5, page 7a in the Petition, of the Indictment type COMPLAINT.

The last paragraph of this page 4 states; "The factual incidents described above, etc.", which are

not in the least factual, by industrial due process, or judicial due process standards.

Pages 4 (bottom) - 5 (top). So that the United States Supreme Court shall not be bothered with trifles or confusion, the decision making abilities of Defendants has been reduced to the very simple expressions of, jelly beans and chicken coops. Mickey Mouse methods and procedures is the expression also utilized to aid the United States Supreme Court to understand the decision making abilities of Respondents and the Home Office in Trenton, New Jersey. Petitioner sincerely hopes that this will save time and effort expended by the United States Supreme Court, in this matter.

Page 5. The Petition is replete with Federal Court jurisdiction; however, a few items will be stressed by Petitioner. One of the voluminous documents filed with the COMPLAINT in Newark, New Jersey District Court was the form, "Allegation of Jurisdiction", Petition pages 5, 10, 12, and 40a (1443).

ERGO QUID? As a matter of law, Petitioner presented a first class Indictment type COMPLAINT; complete with jurisdiction, preponderance of evidence, etc., as required for conviction in United States Federal Courts.

Page 6. Argument

This Petitioner has to indicate an oversight in his presentation form of the Petition. On page 12 (last paragraph) and continued to page 13 (top), Petitioner failed to underscore the citation, as is the customary methods and procedure. Petitioner also forgot to include this citation on page vii, of the Table of Contents. It was not the objective of Petitioner to conceal this important citation, so that it could be overlooked and brought to bear at the opportune moment. This citation should answer paragraph one (1).

The second paragraph directs its "incomprehensible" allegations at:

1. "Employees of the District Court". This is obviously in reference to page 6 (bottom) and 7 of the PETITION FOR REHEARING EN BANC. This refers to the suppression and concealing of the PRELIMINARY EXHIBITS from the Federal Courts below.

2. "Criminal abuses of judicial process in New Jersey state courts". See Appendix page 2a, this Reply Brief.

3. "Looting, etc.", "Plunder, etc." ; Preponderance of evidence in decision making, which is willfully and knowingly protected by the cabal of New Jersey Attorneys General. The courts below are also so charged.

4. "Industrial due Process". Since an industrial case of this type requires citations from Labor Arbitration cases, one was selected by Petitioner and it is listed in Plaintiff - Appellant's Appendix for the Third C.C.A. It is found on page 50a (Aa 50). Twelve documents are submitted with the Written Narrative Statement and this citation

is No. 10 on the list. It is titled; U.C.L.A. Law Review, July 1959, pages 603 to 677. Industrial Due Process and Just Cause for Discipline: A Comparative Analysis of the Arbitral and Judicial Decisional Processes. (Copy supplied only to Court).

This Court copy has been accidently mixed by Newark, New Jersey District Court, from the originally filed papers, for the Written Narrative Statement. Petitioner will have to make arrangements for this correct re-filing in Newark, New Jersey District Court. It was returned to Petitioner amongst the PRELIMINARY EXHIBITS, and is now with the Petitioner's file. In addition, other submitted documents of Wigmore, Nuernberg, etc., have evidently been returned by mistake, also in the same mixed documents of moving papers, and the PRELIMINARY EXHIBITS. These also have to be checked by Petitioner.

5. "International Common Law". Evidently, Ex Parte Quirin and U.S. case law have no meaning Statesside for the cabal of New Jersey Attorneys General. It is also obvious that it is too common

for States-side application.

Page 7. "Mere suggestion or bare allegation that a claim is of constitutional dimensions, without more is not sufficient to confer jurisdiction." Page i of the Petition, Question No. 1, presents "more" than constitutional violations. Respondents ignore this also. The citations in the first paragraph have already been evaluated as not applicable. See page 2, paragraph 2 of this Reply Brief.

The second paragraph misleads the reader again. Petitioner filed litigation on a personal and vicarious liability basis only excluding collective. "Only on a personal basis", is not factual. See Petition page 4a, second to last paragraph. Also, page 13, No. 2.

The term, "inapposite" probably should read, "inappropriate". Respondents fail to indicate why the Nuernberg Tribunals are "inappropriate", since Petitioner has demonstrated widely how they are considered as part of U.S. case law.

The third paragraph refers to the elusive Defendant Winans. The Respondents do not deny that he resides in Pennsylvania. When the U.S. Marshall delivered to Defendant Marx, he could just as easily have inquired at Personnel, or the New Jersey State Police stationed there, about the current address of the former employees Winans and Foye. See Petition pages ii, 16, 21, and 22.

The cabal of New Jersey Attorneys General would misrepresent the reason for the "listing of federal agencies and their addresses", when the Petition specifies 28 U.S.C. Paragraph 1332 (c) on page 38a of the Petition. The well known libel citation is found on the bottom of Petition page 12, as was mentioned previously, page 9, second paragraph of this Reply Brief.

The citation Robertson v. Cease, 97 U.S. 646, is also not even closely akin to the factual pattern of the instant case.

The citation Paul v. Davis, 424 U.S. 693, is also not even closely akin to the factual

pattern of the instant case. It is 23 pages long, 11 pages of which are devoted to dissent opinions. There is no doubt that the best judicial views in the United States are presented here, which views are really encumbered or cancelled-out by inferior or useless Constitutions. The Defendants in Nuernberg Case No. 3, The Justice Case, surely had no such handicaps; and they further were supervised and assisted by the S.D. (Security Service, Dept. 3, R.S.H.A.). The Gestapo supervised and assisted the Prosecutors offices.

Page 8. Again, the well known citation at the bottom of page 12 of the Petition should have been read by the Respondents. Again, the Respondents wish to give the wrong presentation and purpose of the PRELIMINARY EXHIBITS. As mentioned ad infinitum, these Exhibits reduce the decision making abilities of the Respondents to such simple terms as jelly beans, chicken coops, Mickey Mouse, etc.

As for a federal action resulting from

this preponderance of evidence in decision making; there is no S.D. or Gestapo to supervise the Courts and prosecutors, so it appears to be most unlikely. The precise reasons for the preparation of the PRELIMINARY EXHIBITS is, listed on Petition pages 4 (third paragraph), 6 (last paragraph), 15, and 18.

The last paragraph is another professionally sounding and confidential presentation of misinformation and culpability. Petitioner agrees that Respondents claims to, "disputes concerning proper behavior in a residential facility", has finally led them to the United States Supreme Court. In addition, these fakers in every sense will never come to any court, in which Petitioner is present, and display any of their Mickey Mouse abilities for inspection, in their decision making abilities.

For the precise "intents and purposes" of the Respondents, see Petition page 4, second paragraph from the bottom of the page.

Pages i and ii sets forth, to the best of the Petitioner's ability, why the United States

Supreme Court's views on such activities of State-owned and operated industries; together with the cabal of New Jersey Attorneys General and the local Court Houses, be closely inspected on their decision making. These pages here are Petition pages.

CONCLUSION

Petitioner has presented the facts of the "insubstantial, implausible, and incomprehensible" Petition, as Respondents claim it to be presented; in such a new fashion by this Reply Brief, as to reduce any abstractions to the simplest concrete expressions, so that the United States Supreme Court can see that this task has been performed, and a Writ of Certiorari shall issue.

Respectfully submitted,

September 12, 1982

Herbert A. Cochrane
Pro-Se. Petitioner
P.O. Box # 71 - G
Greystone Park
New Jersey 07950 - 9071

(STAMP)

ORIGINAL FILED
AUG. 12 1977

Elizabeth McLaughlin
Clerk

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

TRENTON, MERCER COUNTY

- - - - - - - - - - - - - -

HERBERT A. COCHRANE, Pro Se. Appellant.	DOCKET NO. L - 40372 - 75. Civil Action
vs.	NOTICE OF APPEAL
KARL N. MARX, Defendant.	CERTIFICATION TO THE SUPERIOR COURT, APPELLATE DIVISION

SAT BELOW

The Honorable Robert Muir, A.J.S.C.

Morris County Court House

Morristown, New Jersey

WILLIAM F. HYLAND,

Attorney General of New Jersey,

State House Annex

Trenton, New Jersey, 08625.

Attorney for Defendant,

Karl N. Marx,

Greystone Park Manager,

New Jersey.

THE UNDERSIGNED, HERBERT A. COCHRANE, duly representing himself in this NOTICE OF APPEAL, charges that the Superior Court judge named herein participated in criminal abuse of judicial processes, as defined by the Code of Professional Responsibility and Code of Judicial Conduct, duly enacted by the American Bar Association. These crimes included intimidations, atrocities, provocations, criminal charges, unjustified court orders, resettlement, and other unjustifiable acts, as set forth in Counts One, Two, and Three, of this NOTICE OF APPEAL.

The judge accused as guilty of these crimes is the Honorable Robert Muir, A.J.S.C., Morris County Court House, Morristown, New Jersey.

COUNT ONE - DISCRIMINATORY PROCEEDING.

1. On Friday, June 24, 1977, the presiding judge named herein, unlawfully, willfully, and knowingly subjected the Appellant to a discriminatory proceeding, which denied to him all semblance of judicial process. This consisted of criminal abuse

of judicial process, including unwarranted imposition of an eviction order for resettlement, unwarranted endorsement of falsified charges, criminal abuse of discretion; all of which resulted in involuntary resettlement, imposition of falsified charges, exoneration of those charged with filing such depraved reports about Appellant, and the totally unnecessary expenditures of time and funds imposed upon Appellant, as well as Federal and State Treasuries.

2. That on said Summary day, Appellant was prepared for oral argument on all citations in the Dep. Att.General Grillos' Brief; however, the presiding judge named herein, requested no discussion of the D.A.G. Grillos's Brief. The presiding judge named herein commenced his opinion and judgment by immediate discussion of said Grillos Brief and cited, Jorgensen vs. Pennsylvania R.R. Co. (*See Footnote added to this copy); in which an employee is pro-

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(* Footnote) 25 N.J. at page 541. Supreme Court of New Jersey, 1958.

secuted for engaging in the commission of a crime, which was detected, documented, and demonstrated by specially trained security guards of the company, employed for that very specialized service.

The Appellant was thereby automatically placed in the same catagory of engaging in the commission of crimes. This artifice of "punishment by analogy" was presented by the presiding judge named herein; although, primarily the Appellant proved the depravity of the report writings about him, and no evidence was offered to impeach the statements that the managers and directors were nothing but proven fakers in every sense. Neither this citation, not any other citation in the D.A.C. Grilles Brief has any similarity whatsoever to this Appellant. The above-described proceeding resulted in a "punishment by analogy" type of artifice being imposed upon the Appellant; together with, full judicial endorsement for future atrocities of a similar nature by these demonstratedly proven fakers in every sense. The unchallenging of these depraved reports,

resettlement, encouragement of future depraved reports, willful and knowing squandering of Federal, State, and Appellant's funds, also followed. Judicial knowledge as an ultimate fact is meant here. The presiding judge named herein is charged with special responsibility for and participation in these crimes. See U.S. vs. Moscow Seed Co., 14 F. Supplement 135. D.C. Idaho, 1936.

3. Appellant filed voluminous references in law from Wigmore, C.J.S., N.J. Tort Claims Act, and Nuernberg Tribunals worthy of highly probative value and judicial notice. Further law references were to be filed in the course of trial. Nothing was left ambiguous. These were totally ignored by the presiding judge named herein. The above-described proceeding resulted in the judicial endorsement of depraved reports against the Appellant, tolling of all Appellant process, judicial endorsement for future depraved reports, intimidations and provocations, and unlawful activities against this Appellant.

COUNT TWO - PROCEEDING OF SUMMARY TRAVESTY

4. The presiding judge named herein utilized the employment of summary procedures for suppression of opposition. This was to render the false impression that the Appellant was unprepared in reference work, law, preponderance of evidence, and total justification of his well demonstrated charges of malice, proven fakers in every sense, etc. This was tantamount to denial of right to file private suits for personal and vicarious liability. The above-described proceeding resulted in the resettlement, judicial vilification by endorsement of such depraved reports, and encouragement for such atrocities in the future.

It barred recourse to any evidence, witnesses, or adequate defense against such depraved report writings of proven malice, ipso facto.

5. Nothing of factual material submitted by Appellant was impeached as non factual by the presiding judge named herein. The malice of defendant Marx was well demonstrated; as well as, his incomp-

stance in decision making for report writing on all matters, With such presentations, demonstrated fakers in every sense, should have been officially classed as such.

6. That oral argument methods in the very same Court House are conducted completely differently in every respect, Appellant will submit the Summary transcript of procedure, presided over by Judge Egan on March 27, 1975, for juxtaposition.

As is the custom in Federal practice, Appellant reserved this occasion to impeach every single one of the affidavits presented in opposition; however, the time was very limited by the presiding judge named herein.

COUNT THREE - COMMISSIONS OF CRIMES.

7. That on April 6, 1973, The Greystone Park manager sent a depraved report about this Appellant to the undersigned, and said depraved report maliciously and willfully distorted and misrepresented factual matters so that Appellant was falsely charged. For justifying said communication, the Greystone Park manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for, and exoneration of these crimes. These crimes are further particularized in paragraph 1, of this Notice of Appeal, which is incorporated herein by reference. These crimes included, but were not limited to the facts set out in paragraphs 1 and 6, inclusive, of this Notice of Appeal.

8. That on June 22, 1976, the Greystone Park manager sent another depraved report about this Appellant to the undersigned and said depraved report maliciously, and willfully distorted and misrepresented factual matters, so that Appellant was falsely

charged. For justifying said communication, the Greystone Park manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for and exoneration of these crimes. These crimes are further particularized in paragraph 2 of this Notice of Appeal, which is incorporated herein by reference.

9. That on June 6, 1977, the Greystone Park Personnel manager, Mr. Richard Winans, sent another depraved report about this Appellant to the undersigned, and said depraved report maliciously and willfully distorted and misrepresented factual matters, so that Appellant was falsely charged. For justifying said communication, the Greystone Park Personnel manager utilized the pretext of totally spurious, non factual, and fabricated reports. The presiding judge named herein is charged with special responsibility for and exoneration of these crimes. These crimes are further particularized in paragraph 3 of this Notice of Appeal, which is incorporated

herein by reference.

10. That such depraved reports of engaging in commissions of crimes were not impeachable by this Appellant was well demonstrated in the papers filed, during the Summary procedure, and a preponderance of evidence prepared for trial. The presiding judge named herein is charged with using his office and exercising his power with the knowledge and intent that his official acts would result in intimidations, provocations, assaults, and further depraved reports against this Appellant. These crimes are further particularized in paragraph 4 of this Notice of Appeal, which is incorporated herein by reference.

Wherefore, this Notice of Appeal is filed with the Clerk of the Court, and the charges herein made against the above-named presiding judge are hereby presented to the Superior Court of New Jersey, Appellate Division.

Respectfully submitted,

July 25, 1977 (signed)

Morristown, N.J. Herbert A. Cochrane, Pro Se.

I hereby certify that the foregoing is a true copy of the original on file in my office.

(STAMP)

Elizabeth McLaughlin
(signature)

Clerk

F I L E D

Feb. 1, 1977

Arnold M. Stein, J.C.C. T/A

(STAMP) *

Copy of this pleading

retained in the

Morris County Clerk's Office

R E C ' D

Feb. -4 1977

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(STAMP) * *

P. Louis Bambrick

Clerk

D O C K E T E D

Mar. 7 1977

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(STAMP) * *

P. Louis Bambrick

Clerk

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* Refers to filing in Morristown Court House, N.J.

* * Refers to filing in Trenton Court House, N.J.

WILLIAM F. HYLAND, ATTORNEY GENERAL OF NEW JERSEY
Attorney for Defendant - Karl N. Marx

By: Thomas F. Marshall, Deputy Attorney General
25 Scotch Road, Trenton, New Jersey 08625
(609) 292 - 8147

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L - 40372 - 75
(STAMP) L

HERBERT COCHRANE,)
Plaintiff,) Civil Action
vs.) ORDER
KARL N. MARX,)
Defendant.)

This matter having been opened to the Court on this 28th. (handwritten by Judge) day of January, 1977;

ORDERED that defendant, Karl N. Marx, supply plaintiff within 10 days of the signing hereof, with the ("the" cancelled by judge, "all" superimposed by Judge) letters ("or reports", superimposed by Judge) filed with defendant concerning plaintiff's behavior as a resident at the Greystone Park Hospital

and an ("an" cancelled by Judge, "all" superimposed by Judge) organizational chart ("s" added by Judge, for the plural) of same.

(Signed)

Arnold M. Stein, J.C.C., T/A.
(T/A handwritten by Judge)

I hereby certify that the foregoing is a true copy of the original on file in my office.

(STAMP)

F. Louis Bambrick
(signature)
Clerk